

Rules and Regulations Governing Oakdale Cemetery



City of Hendersonville,

North Carolina

January 9, 2023

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I. AUTHORITY FOR RULES AND REGULATIONS

These Rules and Regulations are Established pursuant to the authority of Chapter 18 of the City Code entitled "CEMETERIES," hereinafter referred to as the "City Code."

II. LOT LICENSES

All lot licenses in any Public Cemetery shall be made only with provisions for perpetual care, at sales prices fixed by the City Council and subject to these rules and regulations. The purchase of all cemetery lot licenses are subject to the approval of the City or its designated representative. No individual or group of individuals may purchase a license for more than eight (8) grave spaces without the express approval of the City or its designated representative. Purchasers, on payment of the sale price in full, shall be given a license establishing their rights to burial in the designated grave spaces.

Pursuant to City Code, Public Cemetery licenses shall not be purchased for the purpose of resale or exchange for profit. The purchase of public cemetery license for the purpose of speculation is expressly prohibited. However, if it is determined that the license or portion of license will not be used, the original purchaser or legal representative may resell the licenses to City at the original purchase price, or a mutually agreed upon price if the original purchase price cannot be determined. The City will not purchase a license which contains fewer than two unused graves in the lot.

Licenses for individual Graves or for Graves within a Lot not used within 100 years shall expire.

Individual Graves and Graves within a Lot purchased prior to July 1, 2021 which have not been used within 100 years, shall be deemed abandoned and shall revert to the City if the purchaser has deceased, and there are no known devisees or heirs at law of the purchaser. In such case, the City shall publish a notice once a week for four weeks in a newspaper published in the City, and if no devisee nor heir at law of the purchaser appears within 30 days from the last date of publication, then the individual Grave or Graves shall revert to the City.

An interment shall not be made in any lot or grave until all fees have been paid in full. No license shall be delivered until the purchase price is paid in full.

City Code reference – Sec. 18-14

III. INTERMENT

All interments in graves shall be restricted to the members of the family or relatives of the licensee, or such persons as the licensee may choose. Prior to interment the licensee or their authorized representative shall authorize such interments by executing an application for an Interment Permit.

IV. PERMIT REQUIRED FOR INTERMENT

No interment of a body or disposition thereof in any crypt, vault or public cemetery, shall be made without a permit from the appropriate authority. Interment Permits must be secured at least forty-eighty (48) hours in advance, with the following exceptions:

(1) If the interment will occur on a Monday, the Interment Permit must be secured no later than 11:00 a.m. on the preceding City business day.

(2) If the interment will occur on a weekend, the Interment Permit must be secured no later than 11:00 am of the preceding Thursday.

(3) If the interment will occur on a City holiday, the Interment Permit must be secured not later than 11:00 a.m. of the preceding City business day that will provide at least forty-eight (48) hours-notice to the City.

Interments shall generally be scheduled between 8:00 AM and 3:00 PM. In the event that there are special circumstances which do not make it feasible to schedule the interment within these hours, then an interment may be scheduled at other reasonable hours at the sole discretion of the City. An additional fee may be required if City personnel are required to assist outside of normal interment hours.

City Code reference – Sec. 18-11(b) and (c)

V. PERMIT REQUIRED FOR DISINTERMENT/EXHUMATION OR OPENING OF EXISTING GRAVES

Except as otherwise authorized by City Council, no human remains shall be disinterred from a Public Cemetery without the prior delivery to the City Manager of a disinterment permit lawfully issued by the Henderson County Director of Public Health or by other lawful authority, or by a valid court order. Upon receipt, the City Manager may conduct such investigation as deemed necessary to verify the disinterment permit or court order and shall forward a copy to the Public Works Director. The Public Works Director or his designee shall update the Public Cemetery records to indicate the date of disinterment and the name, and new location of the burial of the deceased.

City Code reference – Sec. 18-15(a)

VI. RECORD OF INTERMENTS AND REMOVALS

A complete record shall be maintained by the Public Works Director, or their designee, of all interments in and removal from Public Cemeteries. The record shall give the section, lot number, and location of the graves on the lot, the name of the deceased and the date

of such action in accordance with North Carolina General Statutes applicable/filed in Register of Deeds office

VII. PERMENANT MARKERS ARE REQUIRED

All graves shall have a Permanent Marker installed in accordance with the following requirements:

(a) All Monuments and Permanent Markers within the city cemetery shall be erected in accordance with the specifications set by City Code and these Rules and Regulations and shall be subject to the approval of the Public Works Director or his designee. Only one group/family Monument shall be permitted on any Lot (or Block), with individual Permanent Markers set flush with the ground for individual graves.

(b) All Monuments and Permanent Markers shall comply with the size requirements shown on the attached Appendix A entitled "Monument and Permanent Marker Guide."

(c) The requirements as to Monuments in the city cemetery shall be as follows:

(1) When placed on undisturbed soil, all Monuments and Permanent Markers shall have a footer that has a minimum 4" thickness of 4000 psi concrete mix that extends the full length and width of the Monument or Permanent Marker. If placed on disturbed soil, the footer shall be constructed in a manner that is capable of supporting the Monument or Permanent Marker. Foundations shall be constructed by the monument company under the specifications set out above at the expense of the Person in Responsible Charge.

(2) The Person in Responsible Charge shall keep all monuments, markers, and other memorial structures in good repair. Any structure found to be unsightly and in dilapidated condition may be removed by the city.

(3) A vase may be attached as part of the Monument. Dimensions of the vase shall not exceed the overall dimensions of the Monument.

(d) The requirements for Permanent Markers in the city cemetery shall be as follows:

(1) No more than one Monument may be placed on any grave.

(2) All Permanent Markers placed on any Grave within the Public Cemetery shall be 12 inches wide and 24 inches in length, and six inches in thickness. Any standard markers furnished to the family of any deceased veteran by the government of the United States, and which may not be within the specifications and may be placed on the grave of any deceased veteran, regardless of whether the dimensions of such standard marker complies with the requirements of this paragraph.

(3) All Permanent Markers shall be installed so the face is flush to the ground. This requirement shall not apply to Monuments.

(4) Permanent Markers made of bronze shall be of a size 12 inches wide and 24 inches long. Bronze markers shall be installed on a stone or concrete base so as to lie flush with the ground.

(e) The City reserves the right to approve and prescribe the kind, size, design, language, wording including symbols, craftsmanship, quality and material of memorials, inscriptions, monuments or markers placed or requested to be placed in Public Cemeteries. Only those memorials conforming to the specifications contained herein shall be allowed. Any memorials not conforming to these regulations may be removed by the City with all costs incurred billed to the Person in Responsible Charge in violation.

(f) Inscriptions on memorials shall be carefully spaced and accurately set line by line, both vertically and horizontally. Names, dates, wording, symbols and emblems shall be arranged so as to result in an orderly and neat appearance. No paint or other artificial coloring shall be used. Inscriptions shall contain no words, pictures, symbols or emblems of an inflammatory or insulting nature and shall be in keeping with the propriety and sanctity of the cemetery. Memorials not meeting these requirements will not be allowed and may be removed

(g) No memorial will be permitted that is not of cut natural stone or real bronze. No wood, artificial stone or other manmade materials will be permitted.

(h) The City reserves the right to remove any Permanent Marker or memorial of any kind that is not in compliance with City Code or these Rules and Regulations. Failure of the City to remove a noncompliance Permanent Marker or memorial shall not constitute a waiver of any requirement.

VIII. TEMPORARY MARKERS ARE REQUIRED

Within 24 hours after interment, the Person in Responsible Charge shall place, or cause to be placed, at an appropriate place on the interment site a Temporary Marker designating the identity of the person interred. The Temporary Marker must remain (and be replaced if removed) until the placement of a Permanent Marker. A Permanent Marker must be placed within six-months of the date of interment, and no later. If a Temporary Marker is not placed within 24 hours after interment, the City may place a Temporary Marker on the grave and charge a fee to the Person in Responsible Charge.

Within 48 hours after the burial, the Person in Responsible Charge shall provide the City with a certification that interment was completed in the designated Grave and the required Temporary Marker has been placed.

Temporary markers shall be constructed of sufficient material to remain legible and withstand environmental conditions for a six-month period or until a Permanent Marker is installed.

City Code reference – 18-11(l) and (m)

IX. IDENTIFICATION TAGS REQUIRED ON ALL VAULTS

The lids of all vaults used for interments shall have affixed thereto by means of permanent attachment a metal tag, composed of non-corrosive metal. Bearing the name, birth date, and date of death of the deceased within the vault.

City Code reference – Sec. 18-11(j)

X. PROHIBITED SIGNS, NOTICES, AND MEMORIALS

No signs or notices of any kind, other than the Permanent Markers, Temporary Markers, Monuments, and ID tags described herein are permitted to be placed in the Public Cemetery.

XI. GRAVE CLOSURE REQUIREMENTS

All Vaults or Containers, if not houses within a Vault, must be covered with a minimum of twenty-four inches of soil to prevent grave settling. Any settling will be the responsibility of the Responsible Party in Charge.

XII. PAYMENT OF FEES

No services will be provided until all fees paid in full.

XIII. OUTER BURIAL CONTAINERS

Containers, other than those placed within a Vault, shall be made of concrete, metal or fiberglass.

XIV. MAINTENANCE OF LOTS

The City shall provide perpetual care in and for all Public Cemeteries. The term "perpetual care" shall be deemed to include the maintenance and care of all grounds, roadways, entrances, gates and fences constructed by the City, but shall not include the maintenance, care, refurbishing, repair or replacement of any tomb, crypt, mausoleum, Monument, vault, headstone, permanent marker, temporary marker, or any other

structure of a like nature used in the interment of human remains or the disposition of the ashes resulting from cremation. Notwithstanding the foregoing, the City may elect to repair or maintain select monuments or permanent markers within a Public Cemetery as allowed by law, but such repair or maintenance shall not be deemed an assumption of responsibility for perpetual maintenance and repair of such monuments or permanent markers.

No person shall cause to be built, installed or created any aboveground curbing, borders, or fencing around any plot, or grave or multiple graves. Nothing may be placed in, on or around a grave or lot other than flowers, monuments and markers that are specifically allowed by the City Code. By way of example, and not limitation, benches, flag poles, solar lights, and any other item not specifically allowed, are prohibited.

City Code reference – Sec. 18-12

XV. WORKMANSHIP STANDARDS

Work performed within the Public Cemetery, including the erection of Permanent Markers, Monuments, memorials, Interments and Disinterments, shall be performed by appropriately skilled and qualified personnel. Work shall be of a quality and outward appearance consistent with the Public Cemetery. Work performed that does not meet the standards in these Rules and Regulations must be corrected at the expense of the Person in Responsible Charge.

XVI. PERMITTED PLANTINGS

No person shall plant, remove or maintain any tree, shrub or ground cover in a Public Cemetery without the permission of the Public Works Director or their designee. No person shall cut down, injure, break or destroy any tree, shrub or other plant in the Public Cemetery or to pick, pluck or cut any flower or decorative plant, except as authorized by the rules.

City Code reference – Sec. 18-10

XVII. MAUSOLEUMS

After July 1, 2021, no mausoleums, crypts, tombs or columbarium may be constructed unless by the City.

XVIII. INJURING PROPERTY

No person shall remove, molest, injure, mar, deface, throw down or destroy any headstone, monument, permanent marker, survey marker, temporary marker, corner marker, tomb, vault or mausoleum, or decoration on any lot, or open, disturb or molest

any grave or place of burial within a Public Cemetery. This shall not prohibit acts by Public Cemetery officers and employees or public officials in carrying out their duties.

City Code reference – Sec. 18-9

XIX. TRASH AND WASTE

It shall be unlawful for any person to dispose of any rubbish, trash, waste materials, litter or debris of any kind in Public Cemeteries or to place any permanent materials on a lot which would prevent the perpetual maintenance, including mowing, of the cemetery.

City Code reference – Sec. 18-8

XX. CONDUCT IN PUBLIC CEMETERY

It shall be unlawful for any person to loiter or trespass upon lots and graves of the Public Cemeteries or for the parent or guardian of any child under the age of 16 to permit such child to be within a Public Cemetery grounds unless accompanied by an adult person; provided, however, that nothing in this section shall be construed to prohibit any person having lawful business in a Public Cemetery in connection with improvement thereof or in connection with the lawful interment or disinterment of human remains or cremains, or to prevent persons visiting the graves of relatives or friends from being in the cemetery in accordance with the Rules and the City Code.

It shall be unlawful for any person to drive any vehicle in a Public Cemetery faster than five miles per hour.

No person shall drive or move any vehicle within a Public Cemetery except over a roadway open for vehicular traffic, except for the purposes of internment, disinterment or placement of a monument. No person shall obstruct any path or driveway within a Public Cemetery open to vehicular traffic. No person shall use Public Cemetery grounds or any driveway therein as a public thoroughfare.

Pursuant to City Code Sec. 6-2, it is unlawful to consume any alcoholic beverage on any City property, including the Public Cemetery.

City Code reference – Sec. 18-4 – 18-6

XXI. PLACEMENT OF FLOWERS ON GRAVES

The placing of cut flowers or plastic flowers over individual graves shall be permitted; however, the placing of cut flowers or plastic flowers shall be entirely at the risk of the

person placing them, and the City shall bear no risk of loss or damage to any flowers placed. Further the City shall not be responsible for the care of such flowers or the containers that they are placed in. The City may remove, without notice, all flowers, real or artificial without notice to any person or entity; however generally, as a guideline and not a mandate, the City will permit fresh flowers to remain for a period of fifteen (15) days, and artificial flowers to remain sixty (60) days from placement. No other grave decorations shall be permitted.

City Code reference – Sec. 18-7

XXII. SERVICE ANIMALS AND PETS

Pets and service animals are permitted and must remain on leashes at all times. Owners are responsible for the behavior of their pets and/or service animals and are required to remove all waste.

XXIII. OPERATING HOURS

Public Cemeteries shall be open to the public between sunrise and sunset. Only duly authorized officers, officials or employees of the city may enter into or be upon the grounds of the Public Cemetery during the time after sunset and before sunrise. Any individual or group needing access to the Public Cemetery after sunset and before sunrise must obtain the permission of the Public Works Director or his designee. Pursuant to the City Code, it is unlawful at all times for any person to enter or leave the grounds other than by the established and open entrances or gateways

City Code reference – 18-3

XXIV. TENTS AND OTHER PRIVATE PROPERTY

If used, tents must be erected by the funeral home and shall not remain at any gravesite for more than seven days. The City assumes no responsibility for damage of any type to private equipment.

XXV. DEFINITIONS

The terms not otherwise defined in these Rules and Regulations shall have the meanings assigned pursuant to Chapter 18 – Cemeteries, of the City of Hendersonville Code of Ordinances. The Code of Ordinances may be found on the City's website at www.hvlnc.gov.

XXVI. AMENDMENTS AND CHANGES

The City of Hendersonville reserves the right to amend or change the Rules and Regulations at any time without prior notice.

XXVII. FEE SCHEDULE

All Public Cemetery fees are set by City Council and published in the official City of Hendersonville Fee Schedule. The Fee Schedule may be found on the City website at www.hvInc.gov or by contacting the Hendersonville Public Works Department.

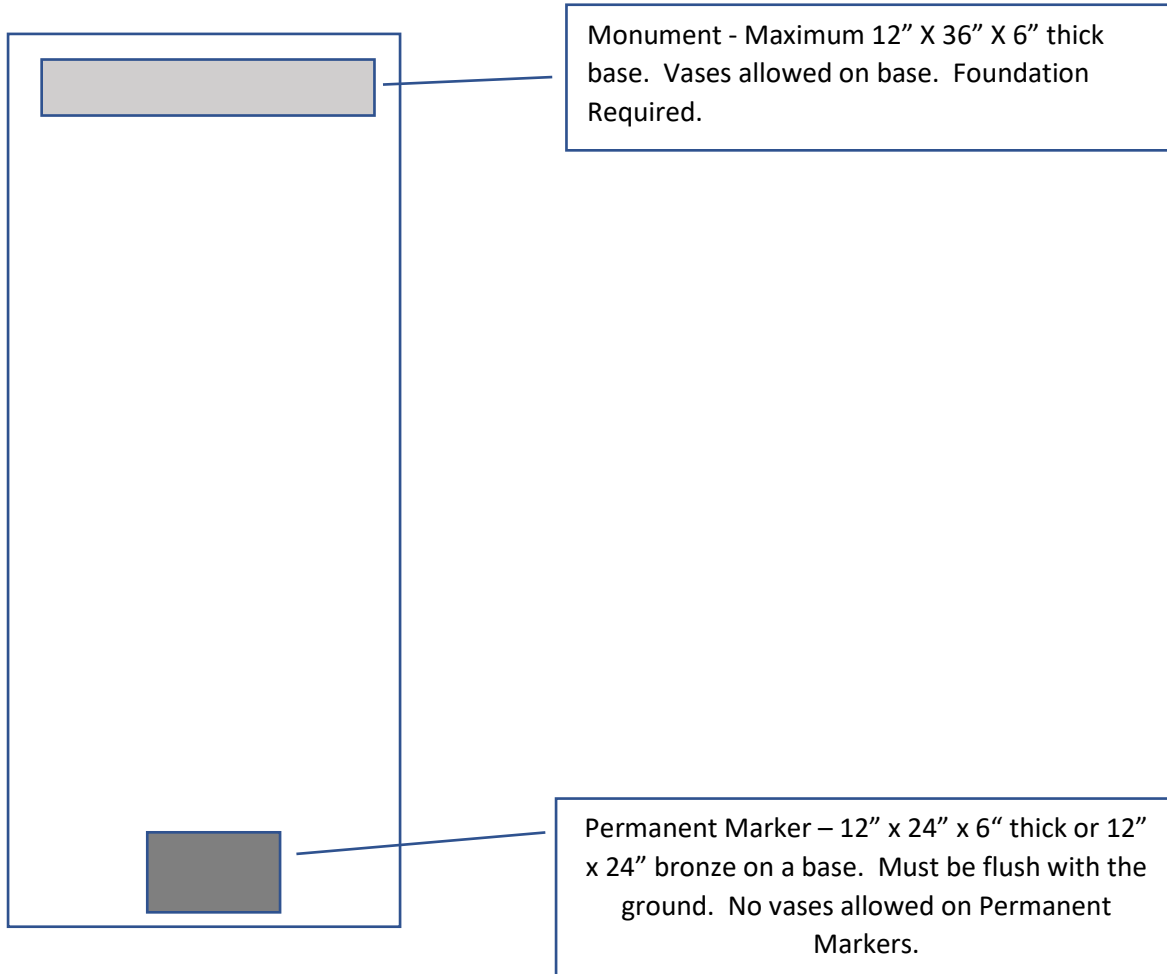
XXVIII. VIOLATIONS

Violators of Chapter 18 of the Hendersonville Code of Ordinances are subject to the penalties described therein.

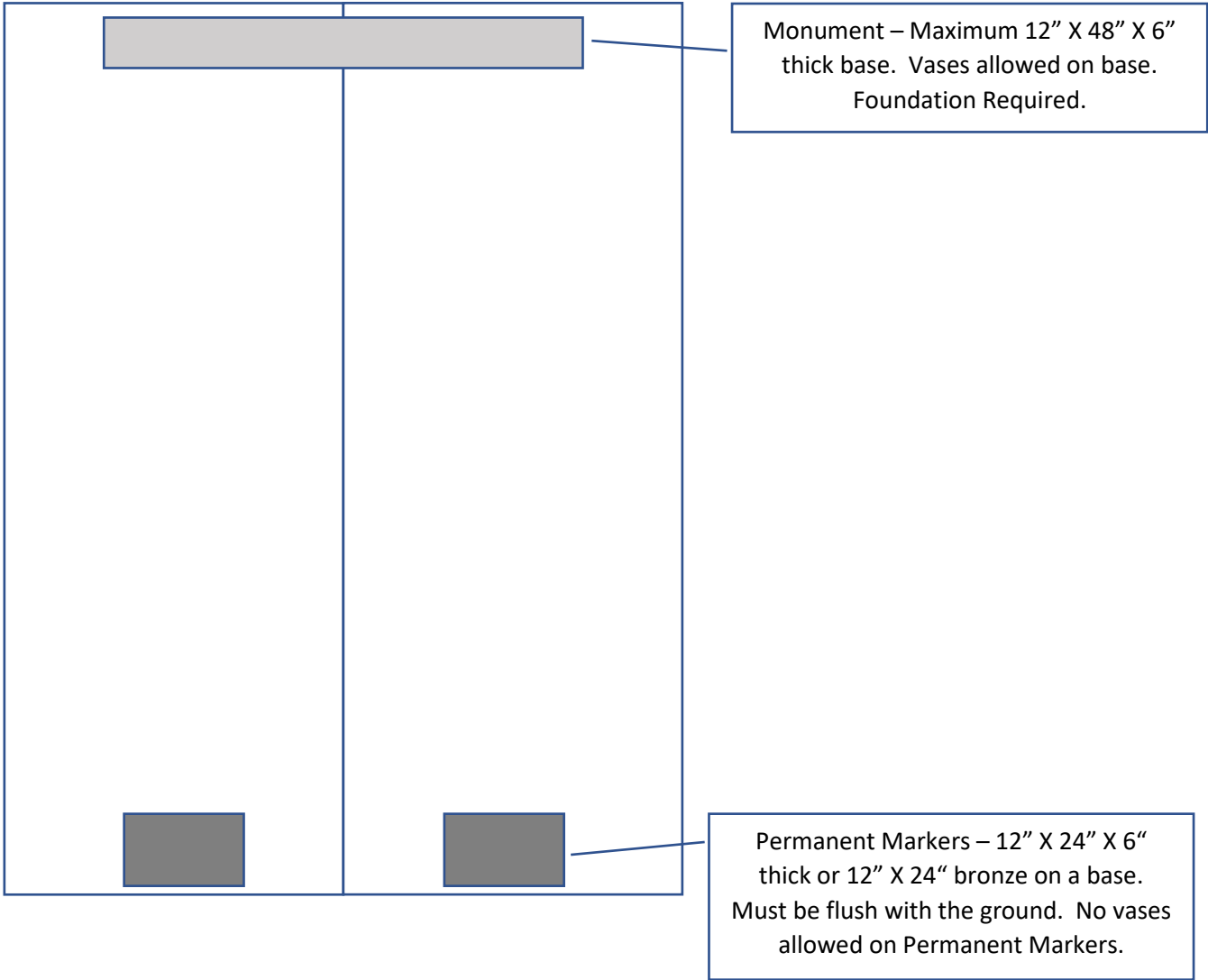
Violators of these Rules and Regulations may be trespassed from the Public Cemetery. The City reserves the right to remove any marker, memorial, or other item whatsoever in violation of these Rules and Regulations.

APPENDIX A – MONUMENT AND PERMANENT MARKER GUIDE

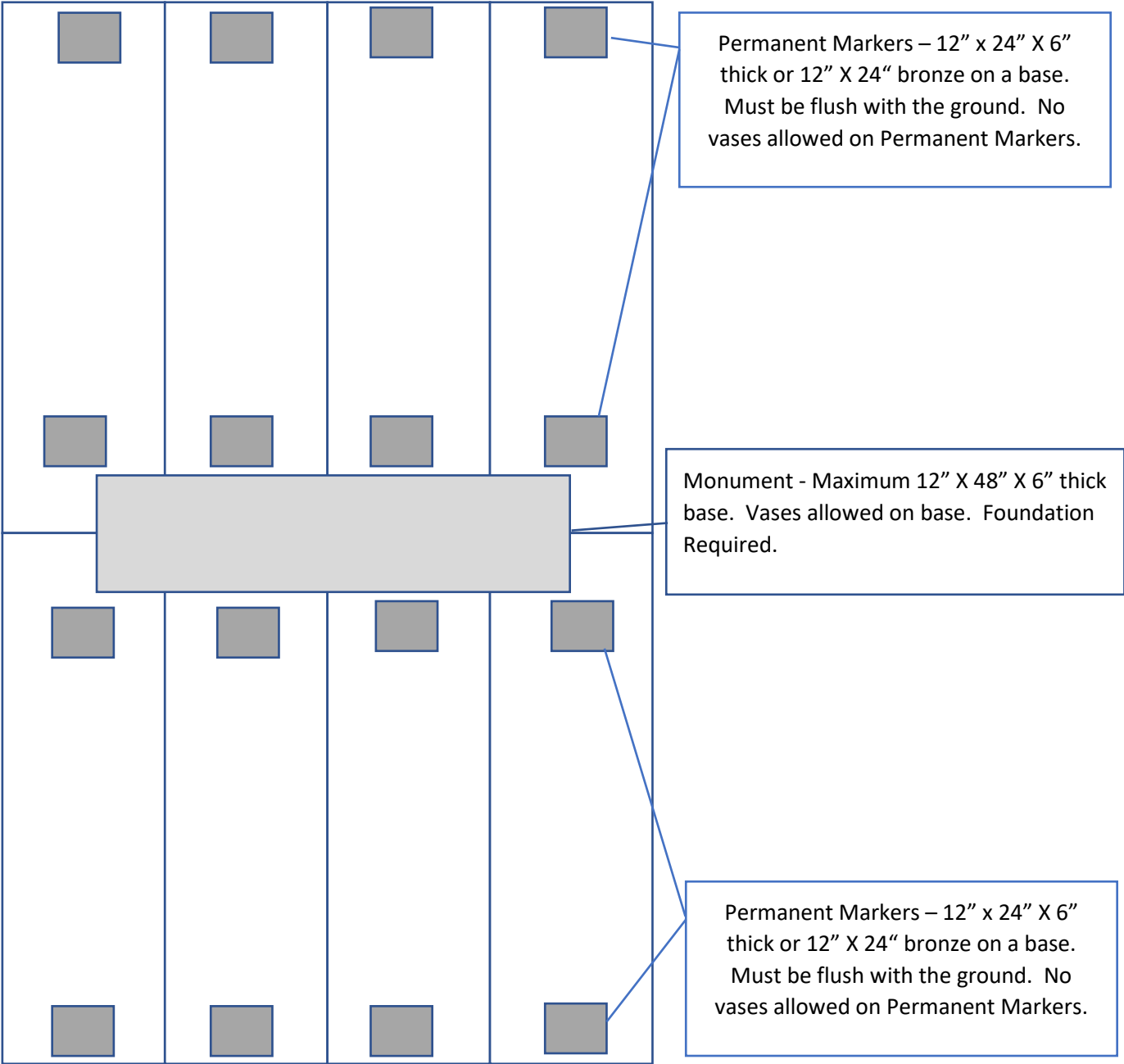
Standard 5' x 10' Grave Space



Standard 10' x 10' Grave Spaces (Family)



**Large Family Grave Spaces
(Four, Six, or Eight Grave Spaces)**



ADDITIONAL RESOURCES

City of Hendersonville Website – Public Works Page

<https://www.hendersonvillenc.gov/public-works>

City of Hendersonville Website – Oakdale Cemetery Page

<https://www.hendersonvillenc.gov/public-works/oakdale-cemetery>

Full Cemetery Ordinance

https://library.municode.com/nc/hendersonville/codes/code_of_ordinances?nodeId=PTIICOOR_CH18CE

Search For a Burial at Oakdale Cemetery

<https://hendersonville.maps.arcgis.com/apps/webappviewer/index.html?id=48ce6a64268246239936bc9691db1937>